

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN SHEILS,

Plaintiff,

v.

9:05-CV-0399
(FJS)(DRH)

JOHN BUSSE, SGT.; W. HATCH, CO; T. GRIFFIN, CO;
M. SEARS, CO; C. VAN TASSEL, RN,

Defendants.

APPEARANCES:

OF COUNSEL:

KEVIN SHEILS
Plaintiff, *pro se*

OFFICE OF THE ATTORNEY GENERAL
State of New York
Counsel for the Defendants

STEVEN H. SCHWARTZ, ESQ.
Assistant Attorney General

DAVID R. HOMER, MAGISTRATE JUDGE

ORDER

Presently before the Court is a letter request from plaintiff Kevin Sheils requesting the extension of various pretrial deadlines in this action. Dkt. No. 30.

Plaintiff filed his complaint on March 31, 2005, claiming that he was assaulted by defendants in retaliation for having filed a complaint against various correctional officers and that he was denied proper and adequate medical care for the injuries he suffered. Dkt. No. 1. Defendants filed an answer to the complaint in August, 2005 and a Pretrial Scheduling Order was issued in October, 2005. Dkt. Nos. 19, 20. Since that date, plaintiff has had multiple hand surgeries and various of the pretrial deadlines have been extended at plaintiff's request. See Dkt. Nos. 27, 29, 30.

On September 6, 2006, defendants filed a motion seeking partial summary judgment in their favor. Dkt. No. 28. Defendants claim that plaintiff failed to exhaust his administrative remedies regarding his medical care claims and that those claims should therefore be dismissed. Defendants also seek dismissal of plaintiff's medical care claims on the ground that plaintiff has not established that defendants acted with deliberate indifference to his serious medical needs. See Dkt. No. 28, Defendants' Memorandum of Law.

Plaintiff has not yet responded to defendants' motion. Rather, by letter dated November 18, 2006, plaintiff appears to seek an extension of the motion to compel filing deadline and, presumably, the response deadline on the summary judgment motion, based upon the alleged failure of the defendants to respond to plaintiff's outstanding discovery requests. Dkt. No. 30. According to plaintiff, he served discovery requests on defendants' counsel in April, 2006, but has not received any response thereto.¹

Defendants have not responded to plaintiff's extension request.

Based upon the foregoing, the Court hereby directs defendants' counsel to advise the Court in writing **within thirty (30) days** of the filing date of this Order regarding the status of discovery in this matter. Defendants shall also submit copies of their responses, if any, to plaintiff's discovery demands.

Upon defendants' compliance with this Order, the Clerk shall return the file to the

¹ Plaintiff states that he served a set of interrogatories, documents demands and requests for admissions. Plaintiff did not attach copies of his discovery requests to his request letter.

Court for further review. The motion to compel filing deadline and the deadline for plaintiff's response in opposition to defendants' motion for partial summary judgment are stayed without date pending further order of this Court.

WHEREFORE, it is hereby

ORDERED, that defendants' counsel advise the Court in writing **within thirty (30) days** of the filing date of this Order regarding the status of discovery in this matter. Defendants shall also submit copies of their responses, if any, to plaintiff's discovery demands, and it is further


ORDERED, that upon defendants' compliance with this Order, the Clerk return the file to the Court for further review, and it is further

ORDERED, that the motion to compel filing deadline and the deadline for plaintiff's response in opposition to defendants' motion for partial summary judgment are stayed without date pending further order of this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

Dated: January 18, 2007
Syracuse, New York



United States Magistrate Judge